



CITY OF MEMPHIS

COUNCIL AGENDA

October 7, 2008

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (September 23, 2008)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE - FIRST READING

1. **ORDINANCE** beginning at the east side of Island Avenue, extending to the west side of Danny Thomas Boulevard, containing 4,229 feet in the street right-of-way ~Mixed Use (MU) District, up for F I R S T reading.

Hedgepeth

Ordinance No. 5281
Case No. SNC 08-801

Applicant: Willis Family
Archie Willis – Representative

Request: Street Name Change Request from Auction Avenue to A. W. Willis Avenue

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING

2. **ORDINANCE** rezoning the east side of North Second Street, opposite of Pear and Plum Avenue intersections, containing 8.40 acres in the Heavy Industrial (I-H) District, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5280
Case No. Z 08-108

Applicant: Harbor View Properties, Inc.
Cindy Reaves, SR Consulting, LLC – Representative

Request: Mixed Use (MU) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

3. **RESOLUTION** approving final plat of FARRISWILL SUBDIVISION.
Case No. S 08-008

Resolution approving the final plat located on the westside of Outlet Road, 36' south of Nora Road.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

4. **RESOLUTION** accepting SOUTHWIND PLANNED DEVELOPMENT, PHASE 55 DRAINAGE RELOCATION and authorizing release of bond.
Case No. PD 94-326cc
(Contract No. CR-5085)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northwest corner of Players Club Parkway and T&B Boulevard. The standard improvement contract was approved on August 7, 2007. Resolution also authorizes the release of the performance bond in the amount of \$57,500.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

5. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:
- A. Case No. SR 08-901 – COUNTRYSIDE CENTER C.P. PHASE 4
SUBDIVISION REVOCATION

Located on the southeast corner of Van Leer Drive & U.S. Highway 64, containing 0.69 acre (30,056 square feet) in the Vacant land area ~ Planned Commercial (C-P) District

Applicant: Buring/Thomas Partnership
Construction Engineering Services, Inc. – Representative

Request: Revoke Phase 4 of the Countryside Center C-P

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 08-314 – GRAY’S CREEK PLANNED DEVELOPMENT, 4TH AMENDMENT

Location beginning at the southern terminus of Cobb Road; +635.06 feet south of U.S. Highway 64 containing 132.15 acres in the Grays Creek Planned Development 3rd Amendment

Applicant: South 64 Joint Venture (Terry Edwards)
Solomito Land Planning – Brenda Solomito – Representative

Request: Revise Areas C & D to permit a maximum of 336 apartment units in 42 buildings

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: October 21, 2008



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MLGW FISCAL CONSENT

6. RESOLUTION awarding Contract No. 11204, Natural Gas Safety Public Awareness Survey Research, to Behavior Research Center in the funded amount of \$28,900.00.
7. RESOLUTION approving Change No. 1 to Contract No. 11149, Geotechnical Investigation, with Hall, Blake & Associates, Inc. in the funded amount of \$33,595.00. (This renews the contract for the first of four renewal terms, June 29, 2008 to June 28, 2009.)
8. RESOLUTION approving Change No. 1 to Contract No. 11192, Pest Control, with Terminix in the funded amount of \$70,518.00. (This renews the contract for the first of four renewal terms, November 1, 2008 to October 31, 2009.)
9. RESOLUTION approving Change No. 1 to Contract No. 11240, Influenza Vaccine, with Methodist Healthcare Alliance Health Services in the funded amount of \$31,086.00. (This renews the contract for the first of four renewal terms, December 1, 2008 to November 30, 2009.)
10. RESOLUTION authorizing exercise of option to extend contract for polyethylene (PE) pipe and butt fusion gas fittings with Action Chemical for an additional 12-month period in the amount of \$191,660.71, for a total contract amount of \$1,486,821.95.
11. RESOLUTION approving Consent Agreement and Final Order (CAFO) with the United States Environmental Protection Agency regarding PCBs.



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REGULAR AGENDA

GENERAL ORDINANCE – THIRD AND FINAL READING

12. **ORDINANCE** amending Chapter 7-8, Article II, of the Code of Ordinances to update and amend regulations regarding the Sale of Beer for Off-Premise Consumption, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5276

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

13. **RESOLUTION** accepting grant funds in the amount of \$560,365.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Adult Workers and Administrative Services Grant. Resolution also amends FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

14. **RESOLUTION** accepting grant funds in the amount of \$473,603.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Dislocated Workers and Administrative Services Grant. Resolution also amends FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION

15. RESOLUTION approving release and settlement of claims by Joseph Lee, III in the amount of \$426,422.33.

Ware

ACTION REQUESTED: Adopt the resolution

PARK SERVICES

16. RESOLUTION including Liberty Bowl Stadium Improvements, CIP Project Number PK 1001, and Liberty Bowl Major Maintenance, CIP Project Number PK 10007, as part of the Fiscal Year 2009 Capital Improvement Program. Bids were received on August 29, 2008 for Liberty Bowl Gate 4 Improvements, which incorporated Liberty Bowl structural repairs as part of the Project scope, with the lowest bidder of three bidders being the firm of P.C. Mock Construction Co., LLC in the total amount of \$3,157,300.00. Resolution seeks to appropriate \$1,274,000.00 in unappropriated allocation, funded by G.O. Bonds General, for a total contract amount of \$3,409,884.00 which includes \$252,584.00 in contingency. Resolution also appropriates \$249,000.00 in Liberty Bowl Major Maintenance, CIP Project Number PK10007, funded by G.O. Bonds General.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

17. RESOLUTION appropriating additional funding for Organized Crime Unit drug funds for Fiscal Year 2009 for the newly formed Interstate Criminal Interdiction Task Force in the amount of \$380,000.00. (Held from 9/23)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

18. RESOLUTION amending the FY 2009 Capital Improvement Budget by transferring an allocation and appropriating \$1,970,461.00 funded by G.O. Bonds (Storm Water) from Drainage-ST, project number ST03006 to Lenox Drainage District, project number ST03026, for the construction of a detention basin and for a construction contract with Madden Phillips Construction, Inc.

Morrison

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCES – THIRD AND FINAL READING

19. **ORDINANCE** rezoning the west side of South Willett Street, 75-135 feet north of Monroe Avenue, containing 6,725 square feet in the General Office (O-G) District, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5277
Case No. Z 08-103

Applicants: Leopold L. Brown, Lorraine Brown &
W. A. & Sarah Newsom
Tim McCaskill – McCaskill & Associates - Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

33 NOTICES WERE MAILED ON SEPTEMBER 26, 2008

20. **ORDINANCE** rezoning the south side of Raines Road; 600 feet west of Elvis Presley Boulevard, containing 0.48 acre in the Single Family Residential (R-S10) District, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5278
Case No. Z 08-107
(Converted from U.V. 08-05)

Applicant: Tonjala Smith
Jim Kincaide – Representative

Request: General Office (O-G) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

37 NOTICES MAILED ON SEPTEMBER 26, 2008

21. **ORDINANCE** rezoning the northeast corner of Frayser Boulevard and Ardmore Street, containing 0.713 acre in the Single Family Residential (R-S10) District, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5279
Case No. Z 08-106

Applicant: Demetrice Jones
David Bray – The Bray-Davis Firm – Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

67 NOTICES WERE MAILED ON SEPTEMBER 26, 2008

DIVISION OF PLANNING & DEVELOPMENT

22. RESOLUTION approving a special use permit located on the north side of Macon Road; ±333 ft. southeast of Jackson Avenue (Note: Location reference for LUCB hearing was Rosamond Ave.), containing 1.57 acres in the Duplex Residential (R-D) District.

Hedgepeth

Case No. SUP 08-220

Applicant: Brinkley Heights Ministries, Inc.

Request: Private school (Grades 7-12)

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

23. RESOLUTION approving a use variance located on the south side of Faulkner Road; ±640 feet west of Getwell Road intersection, containing 0.33 acre in the Agricultural (AG) District.

Hedgepeth

Case No. UV 08-07

Applicant: Jacob Hamilton

Request: Manufacturing/storage of pallets and lumber

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

24. RESOLUTION approving a use variance located on the southeast corner of Belvedere Boulevard and Peabody Avenue, containing 0.46 acre (20,038 sq. ft.) in the Single Family Residential (R-S8) Historic Conservation (HC) Districts.

Hedgepeth

Case No. UV 08-08

Applicant: Grace St. Luke's Episcopal Church
Askew-Hargraves-Harcourt & Assoc., Inc. – Representative

Request: Use variance to continue to allow a parking lot with forty-four (44) spaces

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

PUBLIC HEARINGS

25. RESOLUTION approving a planned development located on the east side of Crumpler Road; +/-220 feet north of Pine Meadow Lane, containing 11.53 acres in an area currently governed by Crumpler Park Planned Development (P.D. 98-370). (Held from 09/09)

Hedgepeth

Case No. PD 08-317

Applicant: Community Bank, N.A.
Kevin Hyneman Co., Inc./Solomito Land Planning -
Representatives

Request: Planned development to allow General Office (O-G), Planned
Commercial (C-P) and limited Light Industrial (I-L) District land
uses within the Outline Plan

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

132 NOTICES MAILED ON AUGUST 22, 2008

26. RESOLUTION approving a planned development located in an area bounded by Poplar Avenue, Cleveland Street, Madison Avenue and McNeil Street, containing 28.06 acres in predominantly Multiple Dwelling Residential (R-MH), Neighborhood Commercial (C-N), Highway Commercial (C-H) and Medical Center Overlay.

Hedgepeth

Case No. PD 08-303

Applicant: WSG Memphis, LLC
Solomito Land Planning – Brenda Solomito – Representative

Request: Redevelopment with Mixed Commercial, Office and Residential
Uses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

202 NOTICES WERE MAILED ON SEPTEMBER 26, 2008

PRESENTATIONS AND RECOGNITION OF VISITORS

27. RESOLUTION congratulating Fred Jones on a successful Southern Heritage Classic weekend.

Lowery

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT